

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
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SEP 13 2005

## FACSIMILE COVER SHEET

Deliver to: Arezoo Sherkat, USPTO Art Group: 2131  
 Facsimile No.: 703.872.9306 Date: September 13, 2005  
 From: William W. Schaal, Reg. No. 39,018  
 Our Docket No.: 3239P065 Number of pages 13, including this sheet.  
 Application No.: 09/753,229 Filing Date: 12/28/2000  
 Docket Due Date(s): 9/13/2005

Enclosed are the following documents:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Amendment: <u>Response</u> ( <u>9</u> pgs)      | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input type="checkbox"/> Appeal Brief ( <u>  </u> pgs)                              | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Application: _____<br>( <u>  </u> pgs) w/cover & abstract) | <input type="checkbox"/> Petition for: _____                                      |
| <input type="checkbox"/> Assignment & Cover Sheet ( <u>  </u> pgs)                  | <input type="checkbox"/> Request for Continued Examination (RCE)                  |
| <input checked="" type="checkbox"/> Certificate of <u>Facsimile</u>                 | <input type="checkbox"/> Reply Brief ( <u>  </u> pgs)                             |
| <input type="checkbox"/> Continued Prosecution Application (CPA)                    | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)     |
| <input type="checkbox"/> Declaration & POA ( <u>  </u> pgs)                         | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request       |
| <input type="checkbox"/> Drawings: <u>  </u> sheets, <u>  </u> figures              | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: _____                                   | <input type="checkbox"/> Response to Written Opinion ( <u>  </u> pgs)             |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate)                  | <input type="checkbox"/> Terminal Disclaimer                                      |
| <input type="checkbox"/> IDS & PTO/SB/08 ( <u>  </u> pgs)                           | <input type="checkbox"/> Transmittal of Publication Fee Due                       |
| <input type="checkbox"/> Other _____  | <input checked="" type="checkbox"/> Transmittal Letter                            |

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Susan McFarlane      9/13/2005  
Date

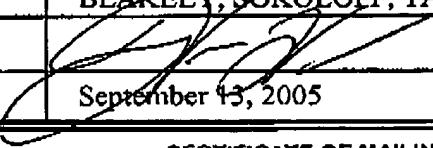
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|  |    |                        |                   |
|--|----|------------------------|-------------------|
| <b>TRANSMITTAL FORM</b>                                  |    | Application No.        | 09/753,229        |
| (to be used for all correspondence after initial filing) |    | Filing Date            | December 28, 2000 |
|  |    | First Named Inventor   | Darwin A. Engwer  |
|  |    | Art Unit               | 2131              |
|  |    | Examiner Name          | Arezoo Sherkat    |
| Total Number of Pages In This Submission                 | 12 | Attorney Docket Number | 3239P065          |

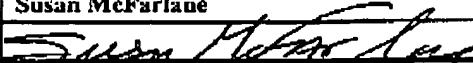
| ENCLOSURES (check all that apply)  |   |  |  |
|--|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to Group                            |  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |  |
| <input checked="" type="checkbox"/> Amendment / Response                     | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert a Provisional Application                  | <input type="checkbox"/> Proprietary Information   |  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter   |  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Other Enclosure(s) (please identify below):                       |  |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | <input type="checkbox"/>   |  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> CD, Number of CD(s)  | Remarks  |  |
| <input type="checkbox"/> PTO/SB/08   |   |  |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              |   |  |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   |   |  |  |
| <input type="checkbox"/> Basic Filing Fee                                    |   |  |  |
| <input type="checkbox"/> Declaration/POA                                     |   |  |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |   |
|-------------------------|---|
| Firm or Individual name | William W. Schaal, Reg. No. 39,018<br><b>BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP</b> |
| Signature               |      |
| Date                    | September 13, 2005  |

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|                       |   |      |                    |
|-----------------------|---|------|--------------------|
| Typed or printed name | Susan McFarlane   |      |                    |
| Signature             |  | Date | September 13, 2005 |

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 08/04/2004  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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## FEE TRANSMITTAL for FY 2005

*Patent fees are subject to annual revision.*

Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT** (\$)

0.00

**Complete if Known**

|                      |                   |
|----------------------|-------------------|
| Application Number   | 09/753,229        |
| Filing Date          | December 28, 2000 |
| First Named Inventor | Darwin A. Engwer  |
| Examiner Name        | Arezoo Sherkat    |
| Art Unit             | 2131              |
| Attorney Docket No.  | 3239P065          |

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

**FEE CALCULATION**

**1. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below           | Fee Paid |
|--------------------|--------------|--------------------------|----------|
| Independent Claims | 27           | 33* = 0 X 50.00 = \$0.00 | \$0.00   |
| Multiple Dependent | 5            | 6* = 0 X 200.00 = \$0.00 | \$0.00   |
|                    |              |                          |          |

| Large Entity |          | Small Entity |          | Fee Description   |
|--------------|----------|--------------|----------|---|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |   |
| 1202         | 50       | 2202         | 25       | Claims in excess of 20                                  |
| 1201         | 200      | 2201         | 100      | Independent claims in excess of 3                       |
| 1203         | 300      | 2203         | 180      | Multiple Dependent claim, if not paid                   |
| 1204         | 300      | 2204         | 150      | "Rescue independent claims over original patent         |
| 1205         | 300      | 2205         | 150      | "Rescue claims in excess of 20 and over original patent |
| SUBTOTAL (1) |          | (\$)         |          | 0.00  |

\*or number previously paid, if greater. For Reissues, see below

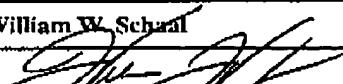
**2. ADDITIONAL FEES**

Large Entity      Small Entity

| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) | Fee Description  |
|---------------------|----------|--------------|----------|--|
| 1051                | 130      | 2051         | 85       | Surcharge - late filing fee or oath                              |
| 1002                | 50       | 2052         | 25       | Surcharge - late provision of filing fee or cover sheet          |
| 2053                | 130      | 2053         | 130      | Non-English specification  |
| 1251                | 120      | 2251         | 80       | Extension for reply within first month                           |
| 1252                | 450      | 2252         | 225      | Extension for reply within second month                          |
| 1253                | 1,020    | 2253         | 510      | Extension for reply within third month                           |
| 1254                | 1,680    | 2254         | 795      | Extension for reply within fourth month                          |
| 1255                | 2,160    | 2255         | 1,080    | Extension for reply within fifth month                           |
| 1401                | 600      | 2401         | 250      | Notice of Appeal   |
| 1402                | 600      | 2402         | 250      | Filing a brief in support of an appeal                           |
| 1403                | 1,000    | 2403         | 500      | Request for oral hearing   |
| 1451                | 1,510    | 2451         | 1,510    | Petition to institute a public use proceeding                    |
| 1460                | 130      | 2460         | 130      | Petitions to the Commissioner                                    |
| 1807                | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)                              |
| 1808                | 180      | 1808         | 180      | Submission of Information Disclosure Stmt                        |
| 1809                | 700      | 1809         | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))    |
| 1810                | 700      | 2810         | 395      | For each additional invention to be examined (37 CFR § 1.129(b)) |
| Other fee (specify) |          | SUBTOTAL (2) |          | (\$)   |

**Fee Paid**

**SUBMITTED BY**

|                   |   |                                      |        |           |                |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William W. Schurk   | Registration No.<br>(Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature         |  |                                      |        | Date      | 09/13/05       |

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (M) 12/16/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

## **FEE TRANSMITTAL for FY 2005**

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

| Complete If Known    |                   |
|----------------------|-------------------|
| Application Number   | 09/753,229        |
| Filing Date          | December 28, 2000 |
| First Named Inventor | Darwin A. Engwer  |
| Examiner Name        | Arezoo Sherkat    |
| Art Unit             | 2131              |
| Attorney Docket No.  | 3239P065          |

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below       Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)       Credit any overpayments  
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## **FEE CALCULATION**

## **1. EXTRA CLAIM FEES**

| Total Claims       |    | Chairs | below | Fee Paid |
|--------------------|----|--------|-------|----------|
| Independent Claims | 27 | 33*    | 0     | \$0.00   |
| Multiple Dependent | 5  | 6*     | 0     | \$0.00   |
|                    |    |        |       |          |

| Large Entity        |            | Small Entity |            |   |
|---------------------|------------|--------------|------------|---|
| Fee                 | Fee<br>(S) | Fee          | Fee<br>(S) | <u>Fee Description</u>                                  |
| 1202                | \$0        | 2202         | 25         | Claims in excess of 20                                  |
| 1201                | 200        | 2201         | 100        | Independent claims in excess of 3                       |
| 1203                | 360        | 2203         | 180        | Multiple Dependent claim, if not paid                   |
| 1204                | 300        | 2204         | 150        | **Resue independent claims over original patent         |
| 1205                | 300        | 2205         | 150        | **Resue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (1)</b> |            |              | <b>(S)</b> | <b>0.00</b>   |

<sup>\*\*</sup>or number previously paid, if greater. For Reissues, see below.

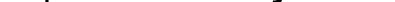
## **2. ADDITIONAL FEES**

### **Large Entity      Small Entity**

| <b>Fee Code</b> | <b>Fee (\$)</b> | <b>Fee Code</b> | <b>Fee (\$)</b> | <b>Fee Description</b>  |
|-----------------|-----------------|-----------------|-----------------|---|
| 1051            | 130             | 2051            | 65              | Surcharge - late filing fee or oath                           |
| 1052            | 50              | 2052            | 25              | Surcharge - late provisional filing fee or cover sheet        |
| 2053            | 130             | 2053            | 150             | Non-English specification                                     |
| 1261            | 120             | 2251            | 60              | Extension for reply within first month                        |
| 1262            | 450             | 2252            | 225             | Extension for reply within second month                       |
| 1253            | 1,020           | 2253            | 510             | Extension for reply within third month                        |
| 1254            | 1,580           | 2254            | 795             | Extension for reply within fourth month                       |
| 1255            | 2,160           | 2255            | 1,080           | Extension for reply within fifth month                        |
| 1401            | 500             | 2401            | 250             | Notice of Appeal  |
| 1402            | 600             | 2402            | 260             | Filing a brief in support of an appeal                        |
| 1403            | 1,000           | 2403            | 600             | Request for oral hearing                                      |
| 1451            | 1,510           | 2451            | 1,510           | Petition to institute a public use proceeding                 |
| 1460            | 130             | 2460            | 130             | Petitions to the Commissioner                                 |
| 1807            | 50              | 1807            | 50              | Processing fee under 37 CFR 1.17(q)                           |
| 1808            | 180             | 1808            | 180             | Submission of Information Disclosure Stmt                     |
| 1809            | 780             | 1809            | 395             | Filing a submission after final rejection (37 CFR 1.17(r))    |
| 1810            | 700             | 2810            | 395             | For each additional invention to be examined (37 CFR 1.17(s)) |

**Fee Paid**

**SUBMITTED BY**

|                   |   |                                      |        |           |                |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William W. Schaat   | Registration No.<br>(Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature         |  |                                      |        | Date      | 09/13/05       |

Based on PTO/SB/17 (12-04) as modified by Blankley, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.  
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Appl. No. 09/753,229  
Amdt. Dated 09/13/2005  
Reply to Office Action of June 13, 2005

SEP. 13 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                  |   |                  |                       |
|------------------|---|------------------|-----------------------|
| Application. No. | : | 09/753,229       | Confirmation No. 9332 |
| Applicant        | : | Darwin A. Engwer |                       |
| Filed            | : | 12/28/2000       |                       |
| TC/A.U.          | : | 2131             |                       |
| Examiner         | : | Arezoo Sherkat   |                       |
| Docket No.       | : | 003239.P065      |                       |
| Customer No.     | : | 8791             |                       |

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**AMENDMENT**

Sir:

In response to the Office action of June 13, 2005, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.